

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

**DORIS M. THOMPSON,**

**Plaintiff,**

**v.**

**PRESS-SEAL GASKET CORPORATION,**

**Defendant.**

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**CAUSE NO. 1:15-cv-00049-JVB-SLC**

**OPINION AND ORDER**

Before the Court is a Motion to Compel filed on October 14, 2015, by Defendant Press-Seal Gasket Corporation (“Press-Seal”), seeking to compel Plaintiff Doris M. Thompson to respond to its outstanding written discovery requests. (DE 21). Thompson has not filed a response to the motion, and the time to do so has now expired. For the following reasons, Press-Seal’s motion to compel will be GRANTED.

***A. Procedural Background***

Thompson filed this employment discrimination suit against Press-Seal on October 6, 2014, in the Eastern District of Pennsylvania. (DE 1). Press-Seal filed a motion to change venue (DE 5), which was granted (DE 7), and the case was transferred to this Court on February 17, 2015 (DE 2).

This Court conducted a scheduling conference on March 24, 2015, setting a discovery deadline of October 26, 2015. (DE 19). On July 8, 2015, Press-Seal served interrogatories and requests for production on Thompson. (DE 21 ¶ 2; DE 31). After Thompson failed to respond in 30 days, Press-Seal on September 23, 2015, emailed Thompson’s counsel, advising him that the discovery responses were nearly 45 days overdue and that Press-Seal needed the discovery as soon as possible because of the quickly-approaching discovery deadline. (DE 21 ¶¶ 3, 4; DE 21-1 at 2). After Thompson’s counsel did not respond, Press-Seal emailed him again on October 8, 2015,

informing him that it would file a motion to compel if he did not timely respond. (DE 21 ¶ 5; DE 21-2 at 2).

On October 13, 2015, Thompson's counsel sent Press-Seal an email providing a settlement demand, but he did not address Thompson's outstanding discovery requests. (DE 21 ¶ 6). Press-Seal responded that it would be proceeding with its motion to compel. (DE 21 ¶ 6). The following day, October 14, 2015, Press-Seal filed the instant motion to compel (DE 21), together with a certification under Local Rule 37-1(a) (DE 21-3). As stated earlier, Thompson has not responded to the motion to compel, and the time to do so has now passed.

### ***B. Applicable Law***

Under Federal Rule of Civil Procedure 37, a party is permitted to file a motion to compel discovery where another party fails to respond to interrogatories or requests for production of documents. *See Redmond v. Leatherwood*, No. 06-C-1242, 2009 WL 212974, at \*1 (E.D. Wis. Jan. 29, 2009). Together with the motion to compel, a party must file "a separate certification that the party has conferred in good faith or attempted to confer with the other affected parties in an effort to resolve the matter raised in the motion without court action." N.D. Ind. L.R. 37-1(a); *see* Fed. R. Civ. P. 37(a)(1). "A motion to compel discovery pursuant to Rule 37(a) is addressed to the sound discretion of the trial court." *Redmond*, 2009 WL 212974, at \*1 (citation omitted).

### ***C. Discussion***

The Court finds that Press-Seal has adequately attempted to confer in good faith with Thompson in an effort to resolve this matter without Court action. *See* Fed. R. Civ. P. 37(a)(1); N.D. Ind. L.R. 37-1(a). Thompson appears to have simply ignored Press-Seal's outstanding discovery requests, Press-Seal's counsel's attempt at consultations, and Press-Seal's motion to compel. Consequently, the Court will GRANT the motion to compel (DE 21) and order Thompson to answer

Press-Seal's First Set of Interrogatories (DE 31-1) and respond to Press-Seal's First Request for Production of Documents (DE 31-2) on or before November 18, 2015. *See, e.g., Redmond*, 2009 WL 212974, at \*1, 3 (granting plaintiff's motion to compel where defendants appeared to have "entirely ignored the plaintiff's discovery requests").

***D. Conclusion***

For the foregoing reasons, Press-Seal's Motion to Compel (DE 21) is GRANTED. Thompson shall answer Press-Seal's First Set of Interrogatories (DE 31-1) and respond to Press-Seal's First Request for Production of Documents (DE 31-2) on or before November 19, 2015.

SO ORDERED.

Enter for this 5th day of November 2015.

/s/ Susan Collins  
Susan Collins  
United States Magistrate Judge